



Federal Communications Commission  
Washington, D.C. 20554

January 7, 1998

EX PARTE OR LATE FILED

Mr. Fred Barrie  
Department Manager/Chief Pilot  
Recreational Enterprises, Inc.  
485 S. Rock Blvd.  
Reno, NV 89502

RECEIVED

JAN - 7 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Mr. Barrie:

The Office of United States Senator Richard H. Bryan has forwarded your inquiry to me. In your letter, you have expressed concern with a recent proposal to permit non-voice, non-geostationary mobile satellite services ("Little LEO services")<sup>1</sup> to operate in the 455-456 MHz and 459-460 MHz bands on a frequency sharing basis with existing operations. Particularly, you indicate that the potential Little LEO operations might cause harmful interference to the existing air-to-ground telephone operations that use the 459.665-459.985 MHz portion of that band.

The proceeding to which you refer, ET Docket No. 97-214, is an ongoing rule making proceeding that is still under consideration by the Commission. On October 14, 1997, the Commission released a *Notice of Proposed Rule Making* ("NPRM") that proposed to implement domestically the international allocation of the two megahertz which the United States delegation sought at the 1995 World Radiocommunication Conference ("WRC-95"). The WRC-95 preparatory documents identified these bands as having spectrum sharing potential for Little LEO operations. The NPRM acknowledged that there are several incumbent operations in these bands and requested comment on whether there is sufficient sharing capacity in these bands to support Little LEO operations. Further, the NPRM sought comment on any available spectrum utilization techniques or interference avoidance techniques that would permit Little LEO operations to share this spectrum without causing harmful interference to incumbent operations.

The comments and reply comments to the NPRM have recently arrived, and my staff will soon start reviewing the record in the proceeding and analyzing the sharing potential of these operations. I anticipate that the Commission will take final action in this proceeding later in 1998. However, at this stage no determination has been made regarding the proposed allocation.

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Little LEO satellite services use a constellation of low-Earth orbiting ("LEO") satellites to provide commercial radiolocation and two-way data messaging services to customers anywhere in the world.

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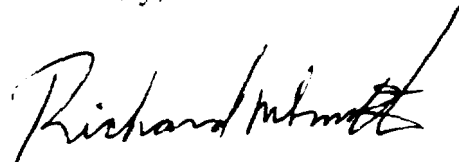
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Mr. Fred Barrie

2.

Please be assured that we will take your concerns into consideration in making this determination. In this regard, we are placing your comments into the docket for this proceeding. If you need further assistance, please call Tom Derenge at 202-418-2451 or [tderenge@fcc.gov](mailto:tderenge@fcc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Smith", with a stylized flourish at the end.

Richard M. Smith  
Chief  
Office of Engineering and Technology

cc: U.S. Senator Richard H. Bryan

RICHARD BRYAN  
NEVADA

COMMITTEES  
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## United States Senate

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December 15, 1997

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Karen Kornbluh  
Director, Office of Legislative Affairs  
Federal Communications Commission  
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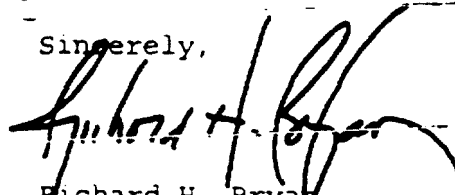
Dear Ms. Kornbluh:

Please find enclosed a letter from one of my constituents, Fred Barrie. Mr. Barrie has contacted me to express his concerns regarding an FCC notice of proposed rulemaking for air-to-ground communications systems.

Because of the desire of my office to be responsive to all inquiries, your consideration and views concerning the enclosed will be greatly appreciated. Please send your response directly to Mr. Barrie. Also, please send a copy of your response to my office, Attn. Nick Watson, and feel free to contact him at 224-6244 should you have any questions.

Thank you very much for your assistance.

Sincerely,



Richard H. Bryan  
United States Senator

RHB/njw  
enclosure

December 7, 1997

Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Subject: Notice of Proposed Rule Making ET Docket No. 97-214

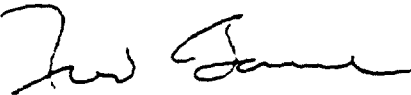
Dear Mr. Secretary:

Our Company presently is licensed to operate our in-flight telephone air-to-ground communication system from our aircraft anywhere within the United States on the 459.665-459.985 Mhz band.

The proposed sharing with these Mobile Satellite Service/Little LEOs will disrupt the now available best air-to-ground telephone service that we have enjoyed for the past several years.

We cannot have unreliable communications from our Corporate aircraft and ask that you strongly consider the negative impact any sharing allocation within the air-to-ground segment of this proposed rule making would have on users, such as ourselves, who represent the majority of the corporate flying aircraft in the United States. We do not have an economical vial alternative to our present service which now needs FCC protection from potential non aligned services

Very truly yours,



Fred Barrie  
Department Manager/Chief Pilot  
Recreational Enterprises Inc.  
485 S. Rock Blvd.  
Reno, NV 89502

cc: US Senator Reid  
US Senator Bryant